

DECLARATION OF JON ADAMS

Pursuant to 28 U.S.C. § 1746 I make the following declaration:

1. I am an adult citizen of the U.S. Virgin Islands and make this declaration upon personal knowledge, except to the extent that averments made herein are expressly stated to have been made upon information and belief.
2. I am employed by GEC, LLC ("GEC"). I was GEC's project manager for the Anna's Hope Affordable Housing Project ("Anna's Hope Project" or the "Project"), and continue to work on completion and resolution of the Hybrid Power (Solar/Diesel) Microgrid System for which Alpha Technologies Services, Inc. ("Alpha") subcontracted to design, construct, install, and commission (the "Subcontract"). The Owner of the Project is JDC-Anna's Hope Associates, LLLP ("JDC").
3. I am aware that Argonaut Insurance Company ("Argonaut") issued a Performance Bond under AIA Form Document A312 - 2010 as surety for the Alpha's performance under the Subcontract.
4. I am aware that Alpha commenced suit against GEC for non-payment of amounts it claims under its Subcontract. I am also aware that GEC has counterclaimed against Alpha, *inter alia*, for breach of the Subcontract.
5. I am aware that on or about July 23, 2018, GEC gave notice to Alpha of termination of the Subcontract for cause, effective July 30, 2018.
6. I am aware that on or about August 21, 2018, GEC submitted a demand for completion of the Subcontract, or other performance by Argonaut, pursuant to the terms of the Performance Bond.
7. In early October I was informed that Argonaut wished to conduct an inspection of the Anna's Hope Microgrid on October 23 and 24, 2018, for purposes of investigating the merits of GEC's demand for Argonaut's performance under the Performance Bond. I was asked to make any necessary preparations for the inspection and to personally attend the inspection.
8. Upon information and belief, the site inspection was arranged between GEC's counsel and Alpha's counsel, Mr. Frank Biglelis.
9. Except for periods after the passage of Hurricanes Irma and Maria (when the project either lacked power or was powered by emergency generators furnished by GEC), the Anna's Hope residential project has been powered from inception to the present by the local VIWAPA power grid, with the exception of limited periods (no more

than 14 days in succession) during which Alpha was presumably attempting to get the Microgrid to work reliably.

10. At the time of Argonaut's inspection, the project was on VIWAPA power, Alpha's last attempt to power the Microgrid having last failed on August 24, 2018.
11. In order to operate the Microgrid, one must first perform a "blackstart" procedure of the Microgrid by starting the diesel generators to provide power to the control systems and then to energize the Microgrid, including the parasitic load (i.e., the electrical systems, control systems, machinery, and air conditioning of the Microgrid system itself) and, if necessary, to begin charging the storage batteries.
12. Once the Microgrid is operating, the residential load can be switched from VIWAPA to the Microgrid by the use of a manual transfer switch which is locked with a key which is in the exclusive control of GEC.
13. Prior to attempting to switch the residential load from VIWAPA to the Microgrid, it would be necessary to make prior arrangements with the project owner/manager to inform tenants of a possible power interruption and to prepare for possible power outages should the Microgrid fail. This would also require GEC personnel with control of the transfer switch to remain on standby. In other words, the residential load could not be switched to the Microgrid without positive action to be taken by both GEC and the project owner.
14. Argonaut's inspection began at 9:00 a.m. on October 22, 2018, at the Anna's Hope site, with the following initially in attendance:
 - a. GEC counsel, Warren B. Cole;
 - b. GEC project manager, Jon Adams;
 - c. Alpha counsel, Frank Bigelis;
 - d. Alpha project manager, Danny Alldredge; and
 - e. Mr. Lane Young, who was introduced to me as the inspecting expert retained by Argonaut.
15. GEC Counsel introduced me to the Alpha/Argonaut representatives, informed them that I would be on site during the inspection, they had free access to all parts of the Microgrid system including the rooftop solar panels, and that during the inspection the residential load would remain connected to VIWAPA power grid via the manual transfer switch.

16. GEC counsel then left the project site. I remained on site in case assistance or information was required by MSSRs. Bigelis, Alldredge, or Young, and to monitor their activities for purposes of safety and security.
17. MSSRs. Bigelis, Alldredge, and Young began a visual inspection of the system and then informed me that they would be leaving to purchase new batteries needed to start the Microgrid diesel generators.
18. Upon their return to the site with the batteries, they made no attempt to start the generators or otherwise begin a "blackstart" procedure to determine if the Microgrid system was even minimally functional.
19. MSSRs. Bigelis, Alldredge, and Young completed a visual inspection of the Microgrid system only, informed me that they had completed their inspection in its entirety, and left the site no later than 2:10 p.m. on October 22, 2018, having spent no more than five hours and ten minutes conducting their inspection, including any time they took to purchase batteries or go to lunch.
20. At no time in my presence did MSSRs. Bigelis, Alldredge, or Young state that connection of the Microgrid to the community load was desired or necessary for Argonaut's inspection. At no time did MSSRs. Bigelis, Alldredge, or Young object to Mr. Cole's statement that the community load would remain connected to the VIWAPA electrical grid during Argonaut's inspection.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed on March 25, 2019 on St. Croix, Virgin Islands.



Jon Adams